

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROLAND KITTRELL,	:	
Petitioner,	:	1:15-cv-2401
	:	
v.	:	
	:	Hon. John E. Jones III
COMMONWEALTH OF	:	
PENNSYLVANIA, PA STATE	:	
ATTORNEY GENERAL,	:	
Respondents.	:	

ORDER

February 20, 2018

NOW THEREFORE, upon consideration of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254, and in accordance with the Court's Memorandum of the same date, it is hereby ORDERED as follows:

1. The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is GRANTED.
2. The following convictions entered against Petitioner on January 24, 2011, in Court of Common Pleas of Centre County criminal matter CP-14-CR-1435-2010, and their accompanying sentences imposed on March 15, 2011, are VACATED: Count 1: Serious bodily injury to Lucas S. Nicholas ("Nicholas") in violation of 18 PA.C.S.A. § 2702(a)(2); Count 2: Bodily injury to Nicholas in violation of 18 PA.C.S.A. § 2702(a)(3); Count 4: Serious bodily injury to Timothy Watson ("Watson") in violation of 18 PA.C.S.A. § 2702(a)(2); Count 5: Bodily injury to Nicholas in violation of 18 PA.C.S.A. § 2701(a)(1); and Count 7: Bodily injury to Watson in violation of 18 PA.C.S.A. § 2701(a)(1).

3. Execution of the writ of habeas corpus is STAYED for ninety days from the date of this Order, during which time the Commonwealth of Pennsylvania may afford Petitioner a new trial.
4. If either party files an appeal, execution of the writ is STAYED pending final disposition of the appeal.
5. The Clerk of Court is directed to ADMINISTRATIVELY CLOSE this matter.

s/ John E. Jones III
John E. Jones III
United States District Judge